

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Christer SINDERBY *et al.*

Serial No.: 10/589,385

Filed: August 22, 2007

For: METHOD AND DEVICE USING
MYOELECTRICAL ACTIVITY FOR
OPTIMIZING A PATIENT'S
VENTILATORY ASSIST

Group Art Unit: 3771

Examiner: Unknown

Atty. Dkt. No.: BRKP:028US

Confirmation No.: 7142

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being
electronically filed with the United States Patent and
Trademark Office via EFS-Web on the date below:

May 27, 2008

Date

David D. Bahler

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

A corrected filing receipt is requested in view of the error that appears in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the error has been noted.

There is an error in the first name of the fourth applicant. Please replace "Lara" with -- **Lars--**. In support of this requested correction, Applicants attach a copy of the inventors' Declaration filed August 22, 2007.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Deposit Account No.: 50-1212/BRKP:028US.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Bahler', written over a horizontal line.

David D. Bahler
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Attorney for Applicants

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Date: May 27, 2008



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/589,385	08/22/2007	3743	1030	BRKP:028US	18	2

CONFIRMATION NO. 7142

FILING RECEIPT



32425
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Date Mailed: 02/15/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Christer Sinderby, Ontario, CANADA;
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Jadranka Spahija, Quebec, CANADA;
Lars ~~Lars~~ Lindstrom, Molndal, SWEDEN;

Power of Attorney: The patent practitioners associated with Customer Number 32425

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/CA05/00217 02/18/2005
which claims benefit of 60/545,577 02/18/2004

Foreign Applications

If Required, Foreign Filing License Granted: 01/16/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/589,385**

Projected Publication Date: 04/24/2008

Non-Publication Request: No

Early Publication Request: No

Title

Method and Device Using Myoelectrical Activity for Optimizing a Patient's Ventilatory Assist

Preliminary Class

128

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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PATENT
BRKP02806

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND DEVICE USING MYOELECTRICAL ACTIVITY FOR OPTIMIZING A PATIENT'S VENTILATORY ASSIST**, the Specification of which:



is attached hereto.

was filed on August 15, 2006 as Application Serial No. 10/589,785.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
PCT/CA2005/000217	WIPO	February 18, 2003	Yes
(Number)	(Country)	(Date Filed)	Yes/No
60/545,577	USA	February 18, 2004	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to

disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: NONE

(Application Serial No.)	(Filing Date)	(Status)
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to David D. Bahler, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE ON MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

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